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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,957	09/29/2003	Craig Nevill-Manning	24207-10063	3799

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EXAMINER

AUGUSTINE, NICHOLAS

ART UNIT	PAPER NUMBER
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2179

NOTIFICATION DATE	DELIVERY MODE
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10/08/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptoc@fenwick.com

Office Action Summary	Application No. 10/673,957	Applicant(s) NEVILL-MANNING ET AL.	
	Examiner NICHOLAS AUGUSTINE	Art Unit 2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9 and 20-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9 and 20-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- A. This action is in response to the following communications: Amendment filed: 07/20/2010. This action is made **Final**.
- B. Claims 1,4-9 and 20-33 remain pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1,4-9 and 20-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hess et al. (US Patent 6,058,417) in view of Sciammarella et al (US 5,982,369), herein referred to as "Hess" and "Sciammarella" in further view of Finseth et al (US Pat. 6,271,840 B1), herein referred to as "Finseth".

As for claims 1,20, 23 and 31, **Hess teaches** a method and corresponding apparatus, product and computer readable medium for generating search results for display in response to a search query comprising: a storage area to store a set of instructions; and

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a processor, coupled to the storage area, to execute the instructions which cause the processor to/ means for: obtain a user generated product search query for relevant products (col.2, line 23), perform the product search query_ for relevant products, the performing being done in response to obtaining the product search query, the first user selection, and the second user selection; obtain search results that reference a set of products determined to be responsive to the product search query, the set of products being associated with the plurality of cues (col.2,lines 23-27; col.9,lines 46-63); figure 9A; item 960 as depicted are options presented to the user “Current”, “New Today”, “Ending Today”, “Completed” and “Going, Going, Gone” links to sort the current user's query to show a sorted presentation based on relevance; col.7,lines 42-67; col.8,lines 1-34); and outputting instructions for displaying the one or more selected cues of the set of products on a search result pare in an order corresponding to a relevance ranking and in the selected output format according to the first user selection and the second user selection, wherein the plurality of output formats includes a grid view and a list view, wherein the grid view is comprised of a plurality of cells, and each cell displaying information corresponding to the selected cue of one product (figure 8 and 9; col.8,lines 61-67; col.9,lines 1-63).

Hess does not specifically mention only depicts in figure 9A displaying the set of links in an order corresponding to a relevance ranking. However in the same field of endeavor **Sciammarella teaches** displaying information representing search results in an order corresponding to a relevance ranking (col.3, lines 1-19).

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It would have been obvious to one of ordinary skill in the art to have combine Sciammarella into Hess, this is true because Both Sciammarella and Hess teach that of displaying information to the user based on a users search query, wherein the display of information is ordered and presented in an organized format, such that Sciammarella presents a small variation of how to add another functionality to the already extensive list of formats of Hess (note Sciammarella co1.1, lines 34-47; col.2, lines 2-30).

Hess as modified by Sciammarella does not specially teach that the user has defined preferences to the format of the presentation of results from a search query; however in the same field of endeavor Finseth teaches together with a first user selection of a selected output format from a plurality of output formats and a second user selection one or more cues each of which is individually selected by the user from a plurality of cues, the first user selection and the second user selection being separate user selections (col.10, lines 15-30; col.9, line 20-col.10, line 14). In addition to Hess, Finseth also teaches performing the product search query for relevant products, the performing being done in response to obtaining the product search query, the first user selection, and the second user selection; outputting instructions for displaying the one or more selected cues of the set of products on a search result page... in the selected output format according to the first user selection and the second user selection (col.9, line 45 – col.10, line 7; wherein the user submits a query and is returned results where the user may select different cues).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have combine Finseth into Hess as modified by Sciammarella, this is true because

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Finseth teach that of displaying information to the user based on a users search query, wherein the display of information is ordered and presented in an organized format, such that Finseth presents a small variation of allowing the user to customize the page format prior to searching (col.2,lines 26-47; col.10,lines 15-30).

As for claim 4, Hess teaches the method of claim 1, further comprising: generating, for each of the set of products a first set of cues for output in a first one of the plurality of user output formats, and a second set of cues for output in a second one of the plurality of user output formats (figure 9A; col.9, lines 1-63).

As for claim 5, Hess teaches the method of claim 4, further comprising generating the first set of cues for output as a first type of media and the second set of cues as output as a second type of media (figure 9A; col.9, lines 1-63).

As for claim 6, Hess teaches the method of claim 4, further comprising generating the first set of cues for output as text, and generating the second set of cues for output as a truncated version of the first set of cues (col.9, lines 45-63).

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As for claim 7, Hess teaches the method of claim 5, further comprising generating the first set of cues for output as an image (figure 9A; col.9, lines 1-63).

As for claim 8, Hess teaches the method of claim 5, further comprising generating the first set of cues for output as audio (col.8, lines 36-59).

As for claim 9, Hess teaches the method of claim 5, further comprising generating the first set of cues for output as text (figure 9A; col.9, lines 1-63; col.8, lines 61-67).

As for claim 21, Hess teaches the apparatus of claim 20, wherein the instructions further cause the processor to: generate, for each of the set of products, a first set of cues for output in a first one of the plurality of output formats, and a second set of cues for output in a second one of the plurality of output formats (figure 1 and 9A).

As for claim 22, Hess teaches the apparatus of claim 21, wherein the instructions further cause the processor to: generate the first set of cues for output as a first type of media and the second set of cues as output as a second type of media (figure 9A; col.9, lines 1-63).

As for claim 24, Hess teaches the product search engine system of claim 23, further comprising: means for generating, for each of the set of products, a first set of cues for output in a first one of the plurality of output formats, and a second set of cues for output

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in a second one of the plurality of output formats (figure 9A; col.9, lines 1-63).

As for claim 25, Hess teaches the method of claim 1, wherein the relevance ranking comprises a numerical value corresponding to a calculated relevance of each product document determined to be responsive to the query (figure 9A; item 960 as depicted are options presented to the user “Current”, “New Today”, “Ending Today”, “Completed” and “Going, Going, Gone” links to sort the current user's query to show a sorted presentation based on relevance).

As for claim 26, Hess teaches the apparatus of claim 21, wherein the instructions further cause the processor to: generate the first set of cues for output as text, and the second set of cues for output as a truncated version of the first set of cues (figure 9A; item 960 as depicted are options presented to the user “Current”, “New Today”, “Ending Today”, “Completed” and “Going, Going, Gone” links to sort the current user's query to show a sorted presentation based on relevance).

As for claim 27, Hess teaches the apparatus of claim 21, wherein the instructions further cause the processor to: generate the first set of cues for output as an image (figure 9A; item 960 as depicted are options presented to the user “Current”, “New Today”, “Ending Today”, “Completed” and “Going, Going, Gone” links to sort the current user's query to show a sorted presentation based on relevance).

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As for claim 28, Hess teaches the apparatus of claim 21, wherein the instructions further cause the processor to: generate the first set of cues for output as audio (figure 9A; item 960 as depicted are options presented to the user “Current”, “New Today”, “Ending Today”, “Completed” and “Going, Going, Gone” links to sort the current user's query to show a sorted presentation based on relevance).

As for claim 29, Hess teaches the method of claim 1, wherein the grid view comprises a rectangular matrix of rows and columns forming the plurality of cells (figure 9a; col.9, lines 1-63).

As for claim 30, Hess teaches the apparatus of claim 21, wherein the instructions further cause the processor to: generate the first set of cues for output as text (column9, lines 45-63; user chooses a list view or grid view).

As for claim 32, Hess teaches the computer-readable storage medium of claim 31, further comprising executable computer program code for:
generating, for each of the set of products, a first set of cues for output in a first one of the plurality of output formats, and a second set of cues for output in a second one of the plurality of output formats (figure 9A; col.9, lines 1-63).

As for claim 33, Hess teaches the computer-readable storage medium of claim 32, further comprising executable computer program code for:

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generating the first set of cues for output as a first type of media and the second set of cues as output as a second type of media (figure 9A; col.9, lines 1-63).

(Note:) It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

Applicant's arguments filed 07/20/2010 have been fully considered but they are not persuasive.

A1. Applicant argues that neither Hess, Sciammarella or Finseth does not teach “performing the product search query for relevant products, the performing being done in response to obtaining the product search query, the first user selection, and the second user selection; outputting instructions for displaying the one or more selected cues of the set of products on a search result page... in the selected output format according to the first user selection and the second user selection.

R1. Examiner does not agree, Hess provides clear support for “performing the product search query for relevant products” (col.2, line 23); the performing being done in response to obtaining the product search query (col.6, line 20; performing a product query can only be done based upon user interaction (submission of query into interface); the first user selection (query submission), and the second user selection

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(col.5, line 19 and col.9, line 51; format selection – text-based or Gallery); outputting instructions for displaying the one or more selected cues of the set of products on a search result page... in the selected output format according to the first user selection and the second user selection (col.9, line 51; the rendering of the product query in the desired user selected format (text-based or Gallery format)).

Similarly in a related but yet different aspect Finseth also teaches performing the product search query for relevant products, the performing being done in response to obtaining the product search query, the first user selection, and the second user selection; outputting instructions for displaying the one or more selected cues of the set of products on a search result page... in the selected output format according to the first user selection and the second user selection (col.9, line 45 – col.10, line 7; wherein the user submits a query and is returned results where the user may select different cues).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquires

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nicholas Augustine whose telephone number is 571-270-1056 and fax is 571-270-2056. The examiner can normally be reached on Monday - Friday: 9:30am- 5:00pm Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Weilun Lo/
Supervisory Patent Examiner, Art Unit 2179

/Nicholas Augustine/
Examiner
Art Unit 2179
September 29, 2010